MIND

DRAWER 4 EDUCATION

Abraham Lincoln and Education

Lincoln's Mind

Excerpts from newspapers and other sources

From the files of the

Lincoln Financial Foundation Collection

LINCOLN'S LOGIC. 1861

How Old Abe Learned to Tell When a Thing Is Proved.

A man who heard Abraham Lincoln speak in Norwich, Conn., some time before he was nominated for president, was greatly impressed by the closely knit logic of the speech. Meeting him next day on a train he asked him how he acquired his wonderful logical powers and such acuteness in analysis.

Lincoln replied: "It was my terrible discouragement which did that for me. When I was a young man, I went into an office to study law. I saw that a lawyer's business is largely to prove things. I said to myself, 'Lincoln, when is a thing proved?' That was a poser. What constitutes proof? Not evidence; that was not the point. There may be evidence enough, but wherein consists the proof? I groaned over the question, and finally said to myself, 'Ah, Lincoln, you can't tell.' Then I thought what use is it for me to be in a law office if I can't tell when a thing is proved?

"So I gave it up and went back home. Soon after I returned to the old log cabin I fell in with a copy of Euclid. I had not the slightest notion of what Euclid was, and I thought I would find out. I therefore began at the beginning, and before spring I had gone through the old Euclid's geometry and could demonstrate every proposition in the book. Then in the spring, when I had got through with it, I said to myself one day, 'Ah, do you know when a thing is proved?' and I answered, 'Yes, sir, I do. Then you may go back to the law shop;' and I went."
—Exchange.

LINCOLN'S MIND FORMED AT 9

N.Y. Times 2/13/26

Achieved Through Inward Driving Force, Speaker Tells Y. M. C. A.

Professor Carter Troop, President of the New York Association of Public Leeturers, and well known on the lecture platforms of Canada and Australia, spoke last night in the Twenty-third Street Y. M. C. A. auditorium on Abraham Lincoln. He characterized Charles Dickens and Lincoln, both of whom, he said, had less than two years of regular schooling, as the two greatest exampies of human achievement through inward driving force.

"Lincoln's mind was formed at the age of 9 from the few books he had read," Professor Troop said. "He had an extraordinarily uninspiring father, but his mother had some elements of inspiration which, thank God, she handed down to her son."

Thomas W. Spurgeon of The Sun Educational Department was Honorary Chairman. He introduced Daniel R. Hodgdon of the New York Law School, who spoke on Lincoln as a law student, and W. Walter Hanna, son of a Civil War veteran, who recited an original poem called "The Army of the U. S. A." Boy and Girl Scouts in the audience formally saluted the flag.

MIND EXPANSION

Lincoln's Clear Legal Mind Shown By Rare Text of His Notes in Suit

By ARTHUR KROCK
Special to THE NEW YORK TIMES.

WASHINGTON, Feb. 11—The complete text—hitherto unpublished—of notes written in his own hand by Abraham Lincoln, to guide his oral argument in the only case in which he ever appeared before the Supreme Court of the United States, is herewith reproduced from the original for publication on the 139th anniversary of Lincoln's birth.

The document was lent to THE NEW YORK TIMES for this purpose by its owner, J. Spalding Flannery, a distinguished member of the bar of the District of Columbia. It was presented by Mrs. Robert Todd Lincoln, widow of the elder son of the War President, to Mr. Flannery, who was her husband's personal attorney, and drew for him the deed of gift whereby the Lincoln papers, recently opened by the terms of that deed, were conveyed to the Library of Congress.

It is Mr. Flannery's purpose to give the original of this rare document to the Chief Justice of the United States, Fred M. Vinson, as part of the historical exhibit which he hopes the court will establish in "some safe and suitable repository."

The text, according to the few who have inspected it, reveals Lincoln as a lawyer of great skill and competence, which some biographers have slighted and some have denied.

The decision of the High Court was adverse to the cause of the young Illinois lawyer and was written by Roger B. Taney, the Chief Justice whose Dred Scott decision set in motion a train of events that helped greatly to carry Lincoln to the Presidency and bring on the War Between the States.

The case Lincoln argued was en-

Continued From Page 1

titled Lewis v. Lewis (Supreme Court Reports 46-49, pages 773-783). His notes show that he intended to make the argument at the December session of the court in 1848, a hundred years ago. And in 7 Howard (Supreme Court Reports) he is listed as one of the attorneys admitted to practice at that term. But according to "Lincoln—Day By Day Activities," by Benjamin P. Thomas, and published in 1936 by the Abraham Lincoln Association of Springfield, Illinois, the future President, then the only Whig member of the House of Representatives from Illinois, was admitted to practice before the court and made his argument in this case on the same day—March 7, 1849, concluding it on March 8. All authorities, however, agree that the Chief Justice rendered his unfavorable decision on March 13, 1849.

Admitted with Lincoln to court practice in the December term, according to Howard, were other notable persons: Hannibal Hamlin of Maine, who was to be elected Vice President of the United States on the ticket with Lincoln in 1860; Albert Pike, the famous Freemason, lawyer and explorer of the Southwest (pardoned by Andrew Johnson for his Confederate activities yet tried for treason afterwards); Joseph P. Bradley, whose vote on the Electoral Commission in 1877 gave the Presidency to Hayes over Tilden; and Judah P. Benjamin of Louisiana, celebrated Confederate statesman and later the leader of the parliamentary bar of Great Britain.

The case of Lewis v. Lewis involved a very technical point of law, and, at the request of this correspondent, a most eminent legal authority here today analyzed the issue and commented on Lincoln's notes as follows:

In 1819, Broadwell conveyed to [William] Lewis a tract of land in Ohio by warranty deed. In 1825, a third party recovered 100 acres of the land from Lewis in an ejectment action. Eighteen years later, in 1843, Lewis brought suit for breach of warranty against the administrator of Broadwell's estate in the Federal Circuit Court for the District of Illinois. The administrator [Thomas Lewis, whom Lincoln represented], relying upon the Illinois statutes of limitation, pleaded that the suit was barred by the passage of time.

In 1827, the Illinois Legislature had enacted a statute providing that suits of the sort involved here must be commenced within sixteen years after the cause of action has accrued. The statute, however, contained a savings clause which stated that, with respect to persons beyond the limits of the state when the cause of action came into existence, the sixteen-year period should begin to run only when such person should come into the state. The plaintiff had not been in Illinois until he filed suit in 1843. But in 1837, the Illinois Legislature had repealed the savings clause. The issue thus became whether the sixteen-year period of limitation should be held to run from the date the cause of action came into being or from the date of the repeal of the savings clause. If the former construction were made, this suit would be barred. But if the latter were accepted, the suit could be maintained. The case came before the Supreme Court of the United States upon a certificate of division in opinion between the judges of the circuit court.

Opinion of Chief Justice

The Supreme Court, through Mr. Chief Justice Taney, held that the sixteen-year limitation period ran from the date of the repeal of the savings clause and, hence, that the suit was not barred by passage of time. The opinion points out that with the repeal of the savings clause in 1837, the cause of action in this case was for the first time subjected to the operation of the statute. If the plaintiff had come into the state the day before the savings clause was repealed, he would have been afforded sixteen years thereafter in which to bring suit. The court, relying upon its decision in *Ross et al* v. *Duval*, 13 Peters 57, concluded that the Illinois Legislature in enacting the repeal statute had placed out-of-state plaintiffs in the same position they would have occupied under the 1827 statute if they had come into the state on the date of passage of the 1837 act.

Mr. Justice McLean entered a vigorous dissent, contending that *Ross* v. *Duval*, in which he had written the opinion of the court ten years earlier, did not support the position of the majority and was, in effect, being overruled.

The notes of Mr. Lincoln contain an accurate chronology of the relevant events, a clear statement of the issues, and a thorough canvass of the authorities which, while recognized to be not directly in point, were considered persuasively analogous. Interestingly, the case of *Ross V. Duval*, relied upon by both the majority of the court and the dissenting justice, is not cited in the notes. The opinion of Mr. Chief Justice Taney, however, reveals that the case was brought to the attention of the court on argument, either by Mr. Lincoln or his co-counsel, Mr. Lawrence.

Or in other words—which it would be imprudent for the authority quoted above to employ—Lincoln's argument got the Supreme Court into one of its frequent mixups. The majority relied on its interpretation of a previous decision by a dissenting justice which he, in dissenting, said the majority has misapplied. This may account in part for Lincoln's attitude toward the Supreme Court when he became President.

Lincoln, of course, filed the usual briefs, but of the entire record only his notes and the court opinions have been preserved. In those days briefs of argument were written by hand and not printed, and few have been preserved that were prepared before the bound printed copies that begin with the 1854 term. Nevertheless, at the instance of Mr. Flannery, Charles

Cropley, Clerk of the Supreme urt, made a search with this re- t, as narrated in his letter to r. Flannery under date of Feb. 1934:

I traced the case through the riginal dockets and the con- ensed dockets to identify, so ar as shown there, what papers vere filed; and then sent to our ile rooms in the Senate Office Building for everything connect- d with the case which could be ound. You will recall that a ire in the Capitol in 1898 de- troyed a large number of the Clerk's files. In sorting out those vhich survived the fire it was he practice to tie up with the record such correspondence and manuscript briefs as escaped de- truction.

A thorough search failed to produce a file in the case and I turned to the record in the hope that I might find some of the salvaged papers tied with it. The record itself shows evidence of having been in contact with the fire and there are no papers with it except the original judg- ment of this court. This leaves me to conclude that the entire file in the case was destroyed.

Very small space has been given n Lincoln biographies to Lewis v. Lewis. Frederick Trevor Hill in is book "Lincoln the Lawyer" (Century, 1906) had a few lines about it and reproduced the first page of the text of the notes which is here lished in full for the first time. Hill was granted this permission by Robert T. Lincoln some years before the entire paper was presented to Mr. Flannery. He wrote that "the briefs are still in existence today," but Mr. Cropley's letter indicates that on this point Hill was misinformed.

In authorizing this publication Mr. Flannery wrote, under date of Feb. 3, 1938:

On many occasions during the years I represented Mr. Robert T. Lincoln he told me that he had a paper of his father which he had laid aside for me, but that he had mislaid it and would give it to me when he found it. After his death, Mr. Lincoln's personal attorney brought me this manuscript and I was surprised and delighted to find it was the outline of his argument in the case of Lewis, etc.

Please carefully preserve and promptly return the manuscript and any photographic plates which you may have made, so that I may deposit the original in the Supreme Court of the United States whenever that court designates a safe and suitable repository for its many valuable, historical archives. This unique manuscript belongs to the Nation and to the Bar of this country and I am anxious to have it carefully preserved in the proper custody.

The text of Lincoln's notes for the oral argument, exactly as he wrote it in long-hand, is as follows:

In the Supreme Court of the United States
December Term A. D. 1848

Lewis for use of Longworth)
) On division of opinion
vs.)
) from the District of Illinois—
Lewis, adm. of Broadwell)

History of the case, and the Statutes bearing on it—

Date of deed sued on	March	12, 1819
" of eviction	June	1825
" of act of limitations	Feb.	10, 1827
" of Broadwell's death		1827
" of Cromwell admr.	July	9, 1827
" of Cromwell's death	July	1836
" of repeal of saving	Feb.	11, 1837
" of Lewis' admr	Jan.	19, 1843
" of commencement of suit		1843

Declaration sets out covenants of *seizen* and of *warranty*, and assigns breaches on both—

Plea (among others) that action did not accure in sixteen years.

Replication, that from July 1836 to Jan. 19, 1843, there was no administrator of Broadwell, and

Demurrer to Replication.

The opinion of the Judges were opposed on the following points—

1st Whether the statute of 1827 begins to run from the time of the repeal of the saving clause in 1837, or from the time the debt became due?

2nd Whether the statute began to run before administration was granted—

3rd Whether the period which elapsed between the two administrations mentioned in the replication is to be deducted from the period of the statute of limitations of 1827?

As to the first point, it may be subdivided into two others—1st Did the Legislature intend it to be retrospective? and, if so

2nd Had they constitutional power to do so?

Did they intend it to be retrospective?

Examine the statute itself—its *language* &
its provision as to taking *effect*—

Had they constitutional power?

What constitutional provision does it infringe? Nature of Limitation laws—Laws of remedy, not if right. Angell on Limitations, Chap. II, Sec. 11.

Examine the case, and show that the exact point is not in any of them—

Call vs Hagger *et al* 8 Mass. 423. In this case, the action accrued in 1807. In 1809 the Legislature passed an act limiting actions on this class of causes, to one year—The court held, that a true *construction* of the act did not apply it to the case—Read from the case—

Sayre vs Wisner, 8 Wend. 661. In this case, the action accrued more than 2- years before the passage of the act, limiting actions of that class to 20 years—The court held that, both on principle, and by the language of the act, it did not apply to the case—

Vanrensselaer vs Livingston 12 Wend. 490. Same case, in principle, and same decision, as last above—

Frey vs Kirk 4 Gill and Johnson 509—In this case an act of 1715, limited actions of this class to 3 years, with a saving for plaintiffs beyond seas—This cause of action accrued to a person beyond seas, in 1816. In 1818 the saving was repealed—In 1828 the action was brought. The court held that three years having elapsed since the repealing act, the statute applied—Read, & comment on what is said about a former case—

Examine these cases to show what has been held not unconstitutional—

Calder & wife vs Bull & wife 3 Dallas 386—This case decided that where a Probate Court decides against the validity of a Will, and the right of appeal is gone by lapse of time, a special act of the Legislature (of Connecticut) directing a rehearing by which the will is held valid, does not infringe the Constitution of the United States—Jackson vs Lampshire 3 Peters 280 to 291—This case decides that, when the opposite parties claim the *same* land by deeds of *different dates* from the *same* grantor, an act of the Legislature (of New York) three years younger than the deeds, appointing commissioners to decide disputed titles, in a class of cases, to which the case in question belonged, giving the right to the losing party to sue at law or in equity in three years from the award of the commissioners and not after, and by which commissioners, in the case, the land was awarded to the younger deed, is not unconstitutional—

(Read from page 90 out).

The second point of disagreement between the judges, towit—

"Whether the statute began to run before administration was granted?" is entirely included within the first point—

The third point towit, "Whether the period which elapsed between the two administrations mentioned in the replication is to be deducted from the period of the statute of limitations of 1827?" remains to be considered—

Angell on Limitations, Chap VII, Sec: 2. and cases cited, hold that where an of action accrues *after* the death, and before administration, the statute does not run until administration—(Read) Sec. 3 and cases cited hold that where an action accrues *before* the death, so that the statute begins to run, it does not cease running between the death, and administration—(Read)

Conant, adm. vs Hitt. 12. Vermont R. 285 This case decides that a *creditor* whose action accrues in his life time, dying, the statute of limitations is not suspended during the time that elapses before administration; but taking a distinction the cases of *creditors* and *debtors* the court say: "When a *debtor* dies his creditor has no powers either to sue, or procure an executor and or administrator to be appointed, whom he can pursue—When a creditor dies those who come in his right can take administration and sue when they please.

Show by Judge McLean's report, that in Illinois, *a creditor* make take administration of the estate of his deceased debtor—3. McLean's R. 568.

Bergg vs Sumner—1. McMullan R. 333. This case decides that a *first* administrator of a *debtor*, dying, the statute of limitations is not suspended during the time that elapses before a second administration.

THE NEW YORK TIMES, THURSDAY, FEBRUARY 12, 1948.

Index to Lincoln's Mental Development

A Review by Thomas D. Clark

UNCOLLECTED WORKS OF ABRAHAM LINCOLN: Edited by Rufus Rockwell Wilson with an introduction by George Fort Milton. 693 pp. Primavera Press. $6.

IN 1905 Nicolay and Hay published their 12-volume edition of the "Complete Works of Abraham Lincoln." There was some friction between William H. Herndon and Robert Todd Lincoln and as a result Lincoln's legal papers were not available to the editors. In his series of the uncollected works of Lincoln, Dr. Rufus Rockwell Wilson is able to offer for the first time in print most of this important material.

Volume II of the uncollected works covers the years 1841 to 1845. Though legal papers may not be the most readable literature available on Lincoln, they at least serve as a vital index to the development of his mind. In interpreting Lincoln as a key figure in national history, it is very necessary for both biographer and historian to know something of his entire intellectual growth. All public men have gone through metamorphic stages in their development which have reflected themselves in future behavior. Lincoln was no exception. The rings of maturity in the Lincoln career were many, and in the final summary of his composite growth they are of vital consequence. Thus in his legal papers during the forties the future President gives indications of developing a clean, logical mind.

Perhaps the most useful function of Dr. Wilson's stupendous task of editing and publishing these papers in four extremely fat volumes is that of bringing to light the precise aspects of Lincoln's lawyer mind. Lincoln became able in the art of expression—a mastery apparent even in the drafting of simple petitions. In the limited number of speeches which appear in this volume, he proved himself able to deal with vexing problems in a decisive but unaggressive manner.

This collection of hitherto unpublished Lincoln papers is a valuable service to Lincoln scholarship. The introduction by George Fort Milton is a good essay on the importance of this phase of Lincoln's career. Volume II of this work, however, is of less value to the general reader than is the David Mearns collection of recently opened papers in the Library of Congress.

THE COURIER-JOURNAL, LOUISVILLE, SUNDAY MORNING, FEBRUARY 6. 1949.

Seattle Post Intelligence
Seattle, Washington
February 12, 1961

MIRROR OF YOUR MIND By Joseph Whitney

Lincoln: Was He A Genius?

LINCOLN WAS NOT a genius by present-day psychological ratings. Genius is the highest range of mental ability; the intelligence quotient would range above 175, compared to the 90-110 range for the average normal person. Nontheless Lincoln was possessed of remarkable ability and natural fitness, and his I.Q. would range far above average by today's rating scales.

ALTHOUGH not widely known outside professional circles, the intelligence range of Lincoln (and 299 other eminent persons born before 1850) was carefully studied some years ago by Catherine Cox Miles and was estimated to be between 125 and 140. which is comfortably high.

Mrs. Cox pointed out that Lincoln's mother was aware of her son's unusual promise and took a lively interest in his education. While he seemed slower in comprehension than other boys, he was unusually studious, had an investigating mind, and dug relentlessly into facts and ideas. Once learned, a fact was not forgotten.

Lincoln studied long and hard, often at night by a log fire, and stood at the head of his class in grammar school. His power of concentration was intense. He became a champion speller in his district, and somewhat of an authority on astronamy.

AS A SCHOOLBOY, Lincoln was equally thorough in doing farm chores, but always carried a book in his pocket to persue during free moments. By age 17 he was writing essays on government and temperance, and reading everything that was available in print.

"In these early intellectual prowlings," Dr. Sargeant wrote, "was laid the foundation of Lincoln's later career. Unlike many prodigies he was a bootstrap genius who rose above his surroundings by independent efforts of indefatiguable study."

LINCOLN'S GREAT INTELLECT.

Marquis de Chambrun, in his "Personal Recollections of Mr. Lincoln" in Scribner's Magazine, says: "Any one hearing him express his ideas, or think aloud, either upon one of the great topics which absorbed him, or on an incidental question, was not long in finding out the marvelous recitude of his mind, nor the accuracy of his judgment.

"I have heard him give his opinion on statesmen, argue political problems, always with astounding precision and justness. I have heard him speak of a woman who was considered beautiful, discuss the particular character of her appearance, distinguish what was praiseworthy from what was open to criticism, all that with the sagacity of an artist. Lately, two letters, in which he speaks of Shakespeare, and in particular of Macbeth, have been published; his judgment evinces that sort of delicacy and soundness of taste that would honor a great literary critic. He had formed himself by the difficult and powerful process of lonely meditation.

"During his rough and humble life, he had had constantly with him two books which the western settler always keeps on one of the shelves of his hut—the Bible and Shakespeare. From the Bible he had absorbed that religious color in which he was pleased to clothe his thoughts; with Shakespeare, he had learned to reflect on man and passions. In certain respects one can question whether that sort of intellectual culture be not more penetrating than any other, and if it be not more particularly suited in the development of a gifted mind to preserve its native originality.

"These reflections may serve to explain Mr. Lincoln's talent as an orator. His incisive speech found its way to the very depths of the soul; his short and clear sentences would captivate the audiences on which they fell. To him was given to see nearly all his definitions pass into daily proverb. It is he who, better than any one, stamped the character of the war in these well-known words, spoken some years before it broke out: 'A house divided against itself cannot stand; this government cannot continue to exist half free and half slave.'"

Lincoln's Intellect.

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